



BY RITCHIE & GOOCH.

RICHMOND, VIRGINIA, FRIDAY, MARCH 30, 1827.

VOL. XXIII. NO. 103.

The ENQUIRER is published twice a week generally on Wednesdays and Saturdays, at the office of the Editors, in the city of Richmond, Virginia. The price of the paper is five dollars per annum, payable in advance. Single copies are sold at ten cents. The Editors are not responsible for the contents of communications, or for the opinions expressed in the paper. The Editors are not responsible for the contents of communications, or for the opinions expressed in the paper. The Editors are not responsible for the contents of communications, or for the opinions expressed in the paper.

## COMMUNICATION.

### THE COLONIAL TRADE.

The commercial intercourse between the United States and the British North American and West India colonies is of great importance to us, and particularly to our agriculturists. The value of it is stated by a Committee of Congress from official documents at \$11,000,000, per annum, including exports and imports. Of the exports the products of our forests and land amounted in one year up to the 30th of September last to \$4,798,765, nearly one-fifth of the whole of our exports of such products, except cotton, to all the world; and the value of the lumber, included in the sum of \$4,798,765, was \$697,261, (see Gen. Smith's speech in the Senate on the 17th of Jan. 1827, on the subject of the Colonial Trade, 1827.) The loss of this market, or a serious impediment to the enjoyment of it, cannot but be severely felt by the landholders of the United States, already so depressed and burdened by the concurrent operation of natural and artificial causes. We are threatened with this loss; and the same causes, which may lead to this result, will, in all probability, deprive us of our trade to the British East India possessions. We enjoy this trade only under the conventions of 1815, and 1818, which will expire in 1828. It is obvious, that the same motives which induced the British Government to close their ports in the West Indies to our ships, would have led them to exclude us from their E. India possessions, if they had not been restrained by the stipulations of the convention of 1818.

Whether these motives shall fall upon us, or be fortunately avoided by the abandonment of the grounds we have heretofore taken, it is important to the public to understand distinctly how these valuable interests have been treated by those to whom for the last ten years the management of our public affairs has been confided. I had hoped, that the people of the United States would have had a full exposition of this subject in the proceedings of the last Congress; or that some one well acquainted with it, and having access to all the information and documents, necessary to elucidate it, would have laid before the public a simple and condensed view of the course of things, that has led to the condition, in which the subject now stands. In this I am disappointed. Whatever information the proceedings of Congress might afford, they are published in fragments in the newspapers, in such a way that very few can have at once a full view of the whole of the case. Even the communication of the President, proposed to lay the whole matter before Congress for their consideration, does not give full information: many important documents, alluded to in it, did not accompany it, and (I believe) are to be found only in the office of the Secretary of State.

Having from the beginning, watched the struggle between the British government and ours in respect to the colonial trade, with great anxiety, feeling a deep interest in the event, and doubting not only the discretion, but the integrity of the motives of those, who were the chief actors in this Comedy of Errors; I have thought, that I may render a service to the public, by laying before them a condensed view of the whole progress of this contest, as far as the imperfect materials in my power will enable me.

From the times of Cromwell, and of Charles II, the settled policy of Great Britain, and of all other nations having colonies, has been, until very lately, to monopolize their commerce, and to exclude all foreign nations from any participation in it; the right to do this has never been questioned by any other nation, and has always been admitted by the United States. The exercise of this right was sometimes relaxed for the benefit of the colonies, and sometimes partially in favour of other nations in consideration of some equivalent to the mother country, but always at the mere pleasure of the latter. After our revolution we enjoyed, in our own ships, the trade of the British colonies, under various regulations and restrictions as to the articles imported into them, and as to the ports, to which we were allowed to trade, according to the mere pleasure of the British government. Of these regulations we never complained; at least we never thought it prudent to resort to any retaliatory measures; until after the close of the last war. The convenience of having our supplies for their West India colonies, and indeed, (as things then were) the necessity of having them, was some security, that the British government would, of their own accord, and for the sake of their colonies, allow us this trade upon such terms, as would make it valuable to us.

At a very early period after the organization of the government of the United States, for the encouragement of our shipping interest, a discriminating duty was imposed upon the ships of foreign nations, and their cargoes entering our ports; (see the act of 1790,) and these discriminating duties on the cargoes were fixed by the act of April 27, 1816, at ten per cent. additional to the duties paid on similar cargoes, brought in a vessel of the United States; and by the act of January 14, 1817, the discriminating tonnage duty was fixed at ninety-four cents per ton, in addition to the tonnage duty paid on our vessels.

On the third of March, 1815, an act of Congress abolished all discriminating duties on the tonnage and cargoes of foreign ships, in favour of any nation; whenever the President should be satisfied, that the discriminating and countervailing duties of such nation had been abolished, so far as they operated to the disadvantage of the U. S. ships.

The President and his Cabinet and the Senate of the U. S. soon gave a practical proof of their understanding of the spirit of the last mentioned act, by negotiating and ratifying the treaty with Great Britain of the third of July, 1815, which, Mr. Adams says, was "substantially the acceptance on the part of Great Britain of the proposal made to all nations by the act of 1815;" and which "put our intercourse with the European possessions of Great Britain on a footing of entire reciprocity." (see documents accompanying the President's message to Congress at the commencement of the second session of the nineteenth Congress, No. 2, pages 41, 42.) By this treaty it was stipulated mutually, that no higher or other duties should be imposed in the ports of either upon the vessels of the other, or their cargoes, being of the growth, produce, or manufacture of either country, than were imposed upon their own vessels, and similar cargoes; that no other or higher duties should be imposed by either upon articles, the growth, produce, or manufacture of any other foreign country; that no other or higher duties, or charges

of exportation, should be imposed upon articles, exported to either country, than were imposed upon the like articles, exported to any other foreign country; that there should be no prohibition of importation or exportation of any articles, the growth, produce or manufacture of either country, which should not extend to all other nations; that the same duties should be paid, and the same bounty allowed upon articles, exported from either country, in ships of the other, as in their own; that drawbacks upon the re-exportation of articles, should be the same, whether imported in ships of the one, or of the other, if the re-exportation should be to the other country, but if to any other foreign country, then the drawback might be regulated or diminished at pleasure. These were the provisions in respect to the intercourse between the European dominions of Great Britain, and the United States. As to the intercourse between the latter and the East India possessions of Great Britain, it was provided, that the vessels of the United States might trade to Calcutta, Madras, Bombay, and Prince of Wales Island, upon the footing of the most favoured European nations, as to duties of export, import, and tonnage; but they were not to carry cargo from those places, unless direct to the United States, and these to be unladen; nor were they to carry on the coasting trade of those possessions, but they might go with their original cargoes or a part of them from one of their ports to another.

As to the intercourse between the United States and the British colonies in America and the West Indies, each party was to remain in possession of their rights as they were.

Our government has of late claimed the merit of first proposing to other nations the liberal policy, upon which this treaty was founded. But in truth the original proposition to abolish all discriminating duties, as between the European territories of Great Britain, and the United States, first came from Great Britain, in 1806, and was an article in the treaty of that date, which we refused to ratify. And in the negotiation of this convention our commissioners commenced the negotiation by declaring, that we had no equivalent to offer for her permission to us to trade to her possessions in East India, and submitted it to the consideration of the British government, whether our commerce, consisting chiefly of an exchange of our specie for the East India products, did not deserve from her a liberal encouragement. (See State papers, vol. 12, page 20. Letter from Messrs. Clay and Gallatin to the Secretary of State, January 16, 1815.)

When this convention was concluded, the ports of St. George and Hamilton in Bermuda, and those of the Bahama Islands were permanently open to us, by the act of Parliament of July 1, 1812; (see the before cited Doc. No. 2, page 60.) and others were occasionally opened to us by orders of the local governments. Our trade with the British colonies was the subject of negotiation in 1817; when the British government offered the four articles mentioned in the letter of Mr. Adams, to Mr. Rush, of June 23, 1823. (See Doc. No. 2, page 42.) It is not necessary here to state the particulars of that offer, as they will be hereafter referred to, further than to observe, that it proposed a stipulation, that the articles of the United States, imported into the colonial ports under that arrangement, should not be subjected to higher duties, than the like articles of other foreign countries; and vice versa, in respect to the colonial produce, imported into the United States; and that it expressly reserved to Great Britain the right to impose on such articles of the United States, or from any other foreign country, higher duties than are or may be chargeable on similar articles, when imported from any of the possessions of Great Britain.

The fourth article contained a stipulation, in effect, to allow the parties mutually to trade with the Indians in their respective dominions. This proposition was rejected; and the subject came under the consideration of Congress at its session in December, 1817. Mr. Adams then Secretary of State, laid before the committee of the House of Representatives a copy of an anonymous paper upon the subject of the trade of the British colonies, urging the propriety of some strong measure to coerce Great Britain to admit us to a due participation in this trade, and expressing the opinion, that "Great Britain could not support her colonies in comfort, or even in safety, without supplies from the United States." The committee adopted this opinion, and reported, that the trade between the United States and the British colonies amounted to upwards of \$13,000,000, per annum; of which the British ship carried about eleven parts, and ours about two parts; that the propositions contained in the four articles, offered in 1817, were the most rational and reciprocal advantages, of any ever made, and might be considered as dictated by a spirit of accommodation; which, under the pressure of adequate motives, might be fostered into a determination to grant all that we could reasonably ask, or they be expected to yield; that the three first articles with some practicable modifications would, by the adaptation of our commercial laws to the stipulations contained in them, place the trade upon as favourable grounds as could be expected. They approved of the rejection of the arrangement proposed by the British Government, on account of the stipulation in respect to the Indian trade, which Great Britain made a sine qua non. They state the prejudice to our shipping interest, from the then state of the regulations of the colonial commerce; ("which, however, was not injurious to the cultivator of the soil, whose commodities were carried to a ready market, and who received in return those articles, which, by habit, were become necessary to his comfort;") but that they should make some sacrifice in favor of the shipping interest; that the object, of securing a share of the trade by carrying Great Britain, might be effected by a trifling and temporary sacrifice of the interests of agriculture; and they propose, for that purpose, either a total prohibition of all intercourse or burdensome charges on all intercourse to British vessels, the latter of which (and I think, for non-convertible reasons) they preferred. And they reported a bill accordingly. This was never acted upon; it was superseded by a bill from the Senate, which was adopted, and which originated in a resolution introduced by Mr. King, afterwards our Ambassador to London, and is fathered with zeal by Mr. Barbour, then a Senator from Virginia, now Secretary of War. (See State Papers, vol. 12, page 439 to 473.) This Act of April 18, 1818, provided that, after the 30th day of September then next, the ports of the United States should be closed against the vessels of Great Britain, coming from a port of any colony of Great Britain, which is, or shall be, by the ordinary laws of navigation and trade, closed against the vessels of the United States, and required all British vessels to give bond and security not to land any article of the growth, produce, or manufacture of the United States, laden in any of the ports of the U. S. in any port closed against the vessels of the U. S. by the ordinary laws of navigation and commerce.

When this act was passed, the ports of St. George and Hamilton, in Bermuda, and those of the Bahama Islands were open, as before stated, under the British Statute of July 1, 1812; and a few days only after the passing of our act of A-

pril 18, 1818, the British Parliament passed an act on the 8th of May, 1818, and by virtue of the King's proclamation, issued pursuant to the act on the 27th of May, 1818, the ports of Halifax in Nova Scotia, and St. Johns in N. Brunswick, were opened to our vessels, as well as to those of all others in amity with Great Britain, for the importation of certain enumerated articles from, and for the exportation of certain articles to, the country, to which the foreign vessels belonged. This act of Parliament was limited to three years and six weeks after the commencement of the then next session of Parliament; but the order of Council, specifying those ports, was not revocable at pleasure. The Executive of the U. S. determined that those ports, so opened, were still closed to the vessels of the U. S. by the ordinary laws of navigation and commerce; and consequently, while under this act of Parliament and order of Council our vessels could enter those ports, they could not, under our act of 1818, enter our ports.

The monopoly, which we gained for our vessels, of the trade of those ports, by this construction, was considered as an advantage of great value, not to be given up without an ample equivalent, and had great influence with the Executive in inducing them to reject a proposition made by the British government in relation to the colonial trade, in the negotiations which led to the convention of October 20, 1818. (See Doc. No. 2, pages 40, 44, 50, 71.) By this proposition the British government renewed the offer, contained in the three first articles of arrangement, offered in 1817, omitted the article respecting the Indian trade, which, alone, had probably occasioned the rejection of the original proposition, and, in addition, offered to open to the vessels of the U. S. the ports of Nova Scotia and New Brunswick. The effect of all which would have been to admit the vessels and all the products of the U. States, which could have found a market there, except all provisions of fish, flesh, and butter, into the ports of Nova Scotia and New Brunswick, Bermuda, and specified ports of the West India colonies, but which these were, I cannot ascertain. Some of our products were restricted to the ports of Nova Scotia and New Brunswick, some to Bermuda, and some to the ports of the West Indies, proposed to be opened to us, and some were admitted in all those ports indiscriminately. This proposition was made October 6, 1818, and was referred by our Commissioners, at London, to the Government at Washington; and on the 7th of May, 1819, Mr. Adams, Secretary of State, transmitted to Mr. Rush, our Minister at London, a draft of two articles, prepared at Washington, to be submitted to the British government, as our final proposition on the subject. By this, we agreed to the terms, proposed by Great Britain, as to the ports to be opened, and as to the articles to be imported; but insisted, that all the articles, indiscriminately, should be importable into any of the ports opened. We also proposed, that all duties and charges, imposed upon them, should be equalized, and, particularly, that no other or higher duties should be charged upon them, than upon similar articles imported from any other country or place whatsoever. (See Doc. No. 2, page 46.) This draft was submitted to the British government on the 14th of June, 1819, and on the 17th of Sept. 1819, they declined to accept it, assigning their reason to Mr. Rush.

This is the substance of that negotiation, as far as I can collect it from the only source of information in my power. Mr. Adams' letter of instructions to Mr. Rush of June 23, 1823, in which he refers to the documents and correspondence, relating to this negotiation, as printed with a message of the President to the House of Representatives of February 13, 1823. None of these documents accompanies the message of December last, which professes to lay the whole subject before Congress; and I am satisfied that, (as I shall hereafter attempt to prove,) although printed, they were never published, or known to the public or to either House of Congress.

On the 15th of May, 1820, an act of Congress passed, closing our ports to all British vessels, arriving by sea from any port or place in Lower Canada, New Brunswick, Nova Scotia, Newfoundland, St. Johns, Cape Breton, the island called Caiques, Bermuda, the Bahama Islands, or any island, colony or territory, belonging to Great Britain in the West Indies, or on the continent of America, south of the southern boundary of the United States; and prohibiting the exportation of any articles of the growth, produce, or manufacture of the U. S. in British vessels, or any of those ports. The act also prohibited the importation into the U. S. from any of those ports, of any articles but those of the growth, produce, or manufacture of the province, colony, plantation, island, or possession, where they should be laden, and from whence they should be imported, directly, into the United States. This act took effect on the 30th of September, 1820, and, in effect, prohibited any intercourse in British ships, coming by sea from any of her colonies, but left open to them the intercourse by the lakes and rivers dividing the territories of the U. States and the colonies of Great Britain; while, under the existing laws of Great Britain, there was an open intercourse of our ships, between the ports of the U. States and those of Halifax, St. Johns, St. George and Hamilton, and those of the Bahama Islands.

On the 6th of May 1822, the Congress of the U. States, in anticipation of the act of Parliament, which passed the 24th of June, 1822, passed an act, declaring, that upon satisfactory evidence being given to the President, that the ports in the islands or colonies in the West Indies, belonging to Great Britain, had been opened to the vessels of the U. States, he should issue his proclamation, declaring that the ports of the U. States should, thereafter, be opened to the vessels of Great Britain, employed in the trade between the U. States and such colonies, subject to such reciprocal rules and restrictions, as he might make and publish.

The act of Parliament of June 24, 1822, opened to our vessels certain ports of the British colonies, enumerated in our subsequent act of March 1, 1823, and to certain enumerated articles; which were subjected to the vessel, importing them, whether British or foreign, to the same duties and charges without discrimination. The foreign produce and manufactures, whether imported from the foreign country or from Great Britain or Ireland, or in a British or foreign vessel, were subjected to duties, averaging, as Mr. Adams says, 10 per cent. ad valorem. And the articles imported in a foreign vessel could only be imported directly from the place of their growth, produce or manufacture. From these enumerated ports any thing might be exported by a British or foreign vessel; but when exported in a foreign vessel, they could only be imported to the country, to which the vessel belonged. (See Doc. No. 2, page 47.) By this act the former acts of Parliament, which allowed our vessels to enter the ports of Halifax, St. Johns, St. George, and Hamilton, and those of the Bahama Islands, were repealed. And the privileges allowed to foreign countries by this act, were declared to extend only to countries which allowed the like privileges to British ships; and the King was authorized to prohibit all intercourse with the colonies to any country, who should not allow the

like privileges to them. This act was limited in its operation to foreign countries on the Continent of America and in the West Indies; and virtually offered us a monopoly of the supply of the British West Indies, in the articles, the produce of our lands.

Upon the receipt of this act of Parliament, the President, on the 24th of August, 1822, in pursuance of the act of May 6, 1822, issued his proclamation, opening the ports of the U. States to British vessels coming from the colonial ports specified in the act of Parliament; but imposing the restriction upon them, that no vessel coming from any of the West India ports should import any articles not the produce or manufacture of the British West India colonies, and that vessels coming from the North American colonies should import no articles not the produce of the North American colonies; and directing the discriminating duties, imposed by the acts of 1816 and 1817, to be levied upon the British ships and their cargoes, coming from the colonial ports.

On the 25th of October, 1822, Mr. Canning, the British Minister resident at Washington, addressed a letter to Mr. Adams, remonstrating against the discriminating duties, and the other restriction on the trade, imposed by this proclamation, as inconsistent with the terms and spirit of our laws, under which it was issued, and as not reciprocal with any thing in the act of Parliament of June 24, 1822. Mr. Adams in his answer of the 11th of November, 1822, to Mr. Canning's letter, admits that the conditions imposed by the proclamation are not strictly reciprocal; but insists that they are substantially so, and necessary to counteract the provisions of the act of Parliament, which we could not counteract by the same provisions in kind, and which operated unequally to our prejudice. These objectionable provisions are mutually enumerated by Mr. Adams. Of these objections some were utterly unfounded in fact, and others in principle; and all of them were absolutely abandoned in framing the act of March 1, 1823, except that as to the possibility, not the fact, of the existence, not of discriminating duties, but of heavier port charges on our vessels, than on the British, in the colonial ports. The specific objections were these:

1st objection. That the admission of our vessels is only to certain enumerated ports.

The answer, given by the British Ministers, (see Doc. No. 2, page 77) was, that the enumeration of the ports in the act of Parliament embraced all, in which there were custom-houses. And surely no nation under any circumstances, admitted foreign ships to enter their ports, except on such terms as would not enter such ports in Great Britain. The act of March 1, 1823, abandoned this objection.

2nd objection. That they are permitted to import only certain enumerated articles.

The answer is, That these are all the articles produced in our country, except salt provisions, either fish or flesh. These are virtually and effectually prohibited to be imported into our own country by the amount of duties imposed upon them. And under the treaty of 1815, Great Britain may prohibit any of our products, and she has prohibited our bread-stuff, from being imported into G. B. The act of March 1, 1823, abandoned this objection too.

3rd objection. That they are admitted only to the direct trade both to and from the colonial ports.

The answer is, That we set them the example, as to the direct trade from the colonies, by our act of 1820; and the provision was the same as that by which we had agreed to be bound in respect to our trade with the British East Indies, by the treaty of 1815. The act of March 1, 1823, counterbalanced this by a corresponding provision.

4th objection. That they are subjected to the payment of duties, without credit, and before admission, in many cases equivalent to prohibition.

The answer is, That so are they subjected to pay duties in Great Britain under the treaty of 1815, and they pay only such duties as the British ships likewise pay. The amount of duties, according to Mr. Adams' own estimate, is only an average of 10 per cent. while our duties on the commodities of the British colonies are from 50 to 200 per cent. The act of March 1, 1823, abandoned this objection also.

5th objection. That they are subject to a very heavy export duty, besides the duties imposed by the act of Parliament.

The answer is, That these export duties are the private revenue of the King, all of them, except that of the Virgin Isles, granted in 1823, and they are paid by the British as well as foreign vessels. (See Doc. No. 2, page 77.) And these export duties had become to a great extent the property of private individuals by the King's grants, as appears by the reports of decisions in the British courts. The act of March 1, 1823, abandoned this objection also.

6th objection. That the restriction as to the importation into the U. S. from the West India ports of the West India produce only, and from the North American colonies of the produce of those colonies only, was justified by the consideration, that the West Indies and the North American colonies were separated by a wide sea, and their products were so entirely different as that they ought to be considered as different countries.

The answer is, That this was equally true as to Louisiana and Maine, which were as much separated from each other in location, production, and government, as the West India and North American colonies. The act of Parliament made no such discrimination between the different states or sections of the U. S.; and the restriction of the proclamation was in this respect clearly not reciprocal in form or substance. The act of March 1, 1823, abandoned this objection also.

7th and last objection was this, in the words of Mr. Adams: "Nor does it appear that with regard to the important article of port charges they can claim admission upon the footing of British vessels."

This is the first suggestion, that we have in the history of these transactions, of the possibility of a difference to our prejudice in respect to port charges. And the President on this point, ability, and not upon the ascertained fact, adopted a measure, which has landed in threatening us with the probability of this result, and to us indispensable trade. This was the tub to the whale, thrown out to the people of the U. S. to divert their attention from the real point in controversy between the two governments, and to induce them to believe that this government was struggling to remove this inequality of port charges for the promotion of the navigating interest; while they were pursuing under colour of this claim, another object unconnected with the shipping interest, and which was concealed from the public view.

The only suggestion, that the government of the U. S. had even a suspicion that there was or might be any inequality in the port charges in the colonial ports to the prejudice of our vessels at any time before the passing of our act of March 1, 1823, is that above quoted. There is, indeed, a general declaration in Mr. Adams' letter to Mr.

Canning of Jan. 15, 1823, that numerous complaints had been, and continued to be, received of the oppressive and ruinous effect of the construction given to the act of Parliament of June 24, 1822, in several of the British colonies, in the case of citizens of the U. S. who had entered their ports under the provisions of that act. In what colonies, or in what particulars, these ruinous constructions were made, is not stated in this letter or elsewhere. The first specific case of any such misconstruction, mentioned by Mr. Adams in all this correspondence, is noticed in his letter to Mr. Canning of April 8, 1823, and was not known until a few days before the date of that letter. In consequence of the suggestion in Mr. Adams' letter of November 11, 1822, that "it did not appear, that with regard to the important article of port charges, our vessels could claim admission upon the footing of British vessels," Mr. Canning furnished to Mr. Adams between the 4th of December, 1822, and the 13th of Jan. 1823, sundry documents, forwarded to him by the custom-house officers and others of the colonies. From which it appeared, that the commissioners of the customs in England had, with the act of Parliament of June 24, 1822, transmitted to the custom-house officers of the colonial ports orders, in substance, to impose no charges upon American, which were not imposed upon British vessels. "These came from Barbadoes, Jamaica, Nova Scotia and St. Christophers. They described the effect of these orders in the language of the different writers, as prohibiting the charge of any 'higher fees,' 'higher duties or port charges,' 'higher fees to officers, duties on tonnage, or other local dues, on articles of the growth of the U. S.,' 'higher duties or fees,' and 'higher fees, port duties, or custom-house expenses.'"

This, in all the information to the contrary, ought to have satisfied any one, not determined to find fault, that the intention of the British government was, and that intention carried into effect by their laws and orders, to prohibit any discriminating duties or charges on our vessels and their cargoes; and that, if any injury were done by occasional deviations from the intention of the laws and orders of the government by the mistake of an officer, (which ought to have been anticipated in affairs of that nature,) the British government would correct it upon information, and redress the injury done. Mr. Addington, the successor of Mr. Canning, in his letter to Mr. Adams of Sept. 7, 1823, assured our government, that an order had been issued, (which appears to have been issued July 3, 1822,) and long since carried into general effect, directing that no higher tonnage duties, or custom-house fees, or other local or port charges, should be imposed on American than on British vessels; and that on information of any violation of this order, it should be corrected, and the injury redressed. (See Doc. No. 2, page 97.) Mr. Adams and Mr. Clay, in succession, and for years, looking out with obvious anxiety for such information, found three or four instances of trifling irregularities in the execution of the act of Parliament and Order of the Commissioners of the Customs; the particulars of which will be hereafter noticed. These instances of error or abuse were not known until after the passing of the act of March 1, 1823, and were all that occurred in upwards of three years, and in more than thirty ports opened to us by the act of June 24, 1822. Surely these could not be justly imputed to any infidelity in the professions of the British government.

Mr. Adams in his letter to Mr. Canning of November 11, 1822, states, that as to the discriminating duties on the tonnage and cargoes of British vessels, coming from the colonies mentioned in the proclamation, they were imposed by other laws, than those under which the President acted; and that he had no authority to repeal discriminations, prescribed by other acts, than those of 1815, and 1820; and he justified their imposition upon the ground, that they were necessary to counteract the objections to the provisions of the act of Parliament above stated. And in his letter of January 15, 1823, to Mr. Canning, he assigns the reasons, why the President had not the power to abrogate those discriminating duties. These were, 1st, that the case did not come within the act of 1815, which repealed our discriminating duties, only in favour of nations, who repealed theirs; and therefore that our act did not apply to colonies; and if it did, 2dly, that the act of 1815, applying only to nations, who repealed their discriminating duties so far as they operated to the disadvantage of the U. S., could not apply to this case, because the act of Parliament of June 24, 1822, repealed no discriminating duties. The answer to this is, that in fact no discriminating duties to the disadvantage of the U. S. existed in the British colonial ports, which could be repealed by that act, and it imposed upon him the duty of opening our ports to the British ships, upon their opening their colonial ports to ours; and gave him power to prescribe reciprocal rules and restrictions for regulating the intercourse. There was no rule or restriction in the British statute, which had not a reciprocal rule or restriction in our act of 1820; except the restriction of the trade to a direct intercourse, which the President had authority to reciprocate by prescribing a similar restriction only. If the President had imposed such a restriction only, then the vessels of the U. S., with cargoes, the produce of any part of the colonies upon terms of perfect equality, in respect to duties and all other charges upon the vessel and cargo. This was surely all we could in reason ask, and immeasurably more than the Congress of 1818 (as appears by the report of the committee,) hoped to attain. They would then have been willing to accept the proposition of Great Britain of 1817, if it had not been connected with the question of the Indian trade. There was no shadow of a reason for rejecting or embarrassing the execution of the terms offered by the act of Parliament of June, 1822, except the suggestion about the possibility of the existence of unequal port charges; and as to that, there was no reason to believe that any such existed; the Executive had not, between the 24th of August 1822 and the 8th of April 1823, heard of the actual existence of any objection, as will hereafter appear; all the other objections, in the British act were either futile, or unfounded in fact; and were immediately abandoned by the act of March 1, 1823, which (as will appear,) was purely an Executive measure. It indeed, unequal port charges had existed, the President was bound to disregard them in carrying

into effect the act of May 6, 1822. For it is perfectly obvious, that the object of our laws was nothing else than to procure access to the British colonial ports, for the sole purpose of promoting the shipping interest, without regard to duties or charges of any kind; that point gained, any discrimination to the prejudice of our shipping interest, in respect to duties and charges of any kind, might have been counteracted by similar duties and charges imposed by us, and that, without hazarding the loss of the benefit to our ships of carrying on the trade, or ruin to the landholders, by losing it entirely. It is obvious, that no class of the community, but our ship owners, had any interest in the question as to this intercourse, and that Congress in their legislation had no other interest in view. The act of 1818 admitted into our ports, unconditionally, British ships from any colonial port open to us by the ordinary laws of navigation and trade; and that of May, 1822, authorizes the President to open our ports upon Great Britain's opening hers to us, prescribing reciprocal restrictions. Neither act refers to any regulation, or equalization of duties or charges of any kind, as a condition of opening our ports.

If the object of the Executive of the United States had been only to attain the sole object of our legislation, to secure employment to our ships; it is impossible to believe, that the puerile and unfounded objections, taken to the act of Parliament, could have been the slightest obstacle for a moment, to their securing at once, as they might have done, this object. They had another object, which was, in effect, altogether frustrated. This was to secure a better price for the lumber and live stock of the North, by coercing Great Britain to admit our products into her colonies subject to no higher duties than were imposed upon her own products and those of her colonies; an object, which, considering the character of the British Government, and their decisive rejection of this proposition, whenever made on our part, there was no hope of attaining; and which, if it were attained, would have afforded no sort of benefit to the shipping interests of our country, and would have been beneficial to a small part only of the landholders, since the North American colonies have nothing but lumber and live stock, which can come in competition with our products, especially our breadstuffs, the most important article of our commerce with the British colonies: whereas a failure in this object, and the consequent loss of the whole trade, would be ruinous to the great interests of both navigation and agriculture.

This demand, so totally new, and before unheard of in national intercourse, was brought forward in the act of March, 1823, not only, but lurking under the equivocal term, "from elsewhere." The motive, with which this intention was concealed under this equivocal expression, will be inquired into presently. That motive ceased to operate the moment the law was passed; yet Mr. Adams seems to have proceeded in the course which he had marked out for himself, with timid caution. Mr. Canning, finding that the discriminating duties had not been abolished, called on Mr. Adams, by letter of March 27, 1823, to say what proofs the President required to satisfy him, so as to enable him to issue his proclamation for repeal of the discriminating duties under the act of 1822. Mr. Adams, after a pause of twelve days, on the 8th of April, 1823, cautiously answered him, in the words of the act of Congress, that the proclamation would be issued upon an authoritative declaration by the British Minister, "that upon the vessels of the U. States, admitted into the enumerated British colonial ports, and upon any goods, wares, and merchandise, imported into the said vessels, no other or higher duties, tonnage, or import, nor other charges of any kind are levied or exacted, than upon British vessels, or upon the like goods, wares, and merchandise, imported into the said colonial ports from elsewhere." He could not yet bring himself to announce the use he meant to make of the term "elsewhere." Mr. Canning promptly answered on the 10th of April, 1823, that he was ready to give the official declaration required, if the term, "from elsewhere," meant from other foreign nations; but not if it included Great Britain and her colonies; and he asked an explanation of its precise meaning. After a further awful pause of thirty-four days, Mr. Adams on the 11th of May, 1823, answered, that the terms of the act of Congress were construed to extend to all the British possessions whatever. Mr. Canning replied to this on the 17th of May, regretting the construction put upon the act, and declining further correspondence on other points as useless.

By this act of Congress of March 1, 1823, the acts of April 18, 1818, and of May 15, 1820, were suspended as long as the act of March 1, 1823, should be in force, as to certain enumerated ports in the British colonies, the same enumerated in the act of Parliament of June 24, 1822; and the ports of the United States were opened to all British vessels, coming directly from any of those ports with articles, the growth, produce, or manufacture of any of the said British colonies, which may be imported on equal terms from any of the said ports in vessels of the United States; and it was provided, that upon proof, satisfactory to the President, that upon the vessels of the United States and their cargoes, admitted into the said colonial ports, no other or higher duties of tonnage, or import, nor charges of any kind were levied or exacted, than were levied and exacted upon British vessels, or upon the like goods, wares, and merchandise, imported into the said colonial ports from elsewhere; the British ships and cargoes from the colonial ports should be subjected to no other duties of tonnage, or import, or other charges than the vessels of the U. S. and similar cargoes, but until such proof was given, the discriminating tonnage and import duties, prescribed by the acts of 1816, and 1817, should be levied on such British ships and cargoes. The act further provided, that no article should be imported in a British vessel from any of those ports, but the produce or manufacture of the colonies, to which the enumerated ports belonged, and that directly from one of the said enumerated ports; nor should any article be exported from the U. States to any of the enumerated ports by any British vessel not coming directly from one of the said ports; nor should any vessel, coming from any of the said ports, export any article from the U. S. to any place (other than one of the said ports). These provisions were extended to any other colonial port, which might thereafter be opened in conformity to the provisions of the act of Parliament of June 24, 1822. And this act was declared to be in force, until our vessels should be excluded from all or any of the enumerated ports by Order in Council, or act of Parliament; in which case, upon the proclamation of the President, this act should cease, and the acts of 1818 and 1820 be revived.

The only real object of this act were, 1st, to restrain the trade between the United States and the colonies in British vessels to a direct intercourse only, and the more declaration, that such should be the law, effected this object without requiring any other provision; 2dly, to assert and enforce the claim of an exemption of our products from a liability to a charge of duties higher than those imposed on the like products of Great Britain and her colonies. The other proposed object in re-